



AGENDA

Meeting Location:

Sloat Room—Atrium Building
99 W. 10th Avenue
Eugene, OR 97401

Phone: 541-682-5481
www.eugene-or.gov/pc

The Eugene Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours notice. To arrange for these services, contact the Planning Division at 541-682-5675.

MONDAY, MARCH 4, 2013 – REGULAR MEETING (11:30 a.m. to 1:30 p.m.)

11:30 a.m. I. PUBLIC COMMENT

The Planning Commission reserves 10 minutes at the beginning of this meeting for public comment. The public may comment on any matter, **except for items scheduled for public hearing or public hearing items for which the record has already closed.** Generally, the time limit for public comment is three minutes; however, the Planning Commission reserves the option to reduce the time allowed each speaker based on the number of people requesting to speak.

11:40 a.m. II. REMAND OF AT&T TELECOMMUNICATIONS TOWER: DELIBERATIONS/ACTION

Staff: Steve Ochs, 541-682-5453

12:00 p.m. III. EWING RIVERFRONT MASTER PLAN: DELIBERATIONS/ACTION

Staff: Gabe Flock, 541-682-5697

1:15 p.m. IV. ITEMS FROM COMMISSION AND STAFF

- A. Other Items from Staff
- B. Other Items from Commission
- C. Learning: How are we doing?

Commissioners: Steven Baker; Jonathan Belcher; Rick Duncan; Randy Hledik, Chair; John Jaworski; Jeffery Mills; William Randall, Vice Chair

AGENDA ITEM SUMMARY
March 4, 2013

To: Eugene Planning Commission

From: Steve, Ochs, Associate Planner

Subject: LUBA Remand: AT&T Mobility Cell Tower – Oakway Golf Course
(City File PDT 10-2 & CU 11-1, LUBA No. 2011-099)

ACTION REQUESTED

To deliberate and take action on the appeal issues sustained by the Oregon Land Use Board of Appeals (LUBA) on these applications (PDT 10-2 & CU 11-1) and remanded back to the Planning Commission for action.

BRIEFING STATEMENT

The application subject to this remand is a tentative Planned Unit Development (PUD) and Conditional Use Permit (CUP) approval for a new 75-foot telecommunications tower within a 25 x 35-foot area, located adjacent the existing maintenance building on a privately-owned golf course (Oakway Golf Course) which is zoned R-1/PD, Low Density Residential with the Planned Unit Development Overlay.

The Hearings Official initially approved the applications with conditions, while denying the applicant's variance request to allow for above ground ancillary facilities. On appeal, the approval was upheld by the Planning Commission with revised and additional conditions of approval. Northgreen Properties LLC, then appealed the Planning Commission's final order to LUBA, asserting five assignments of error. After considering the parties' briefs and oral arguments, LUBA issued an order that affirms parts of the Planning Commission's decision, but remanded the matter back to the Planning Commission on compliance with Metro Plan Policy E.4, and the ability to produce a noise study that would meet applicable standards.

After allowing for an open record to submit testimony and evidence regarding these two issues, Planning Commission deliberated at its last meeting on February 25, 2013. Task 1 was to determine whether the proposal is consistent Metro Plan Policy E.4, as an applicable approval criterion. After discussing, a majority of commissioners concluded that Policy E.4 was met, and agreed that in applying Policy E.4 as an applicable approval criterion, it needs to be applied in the context of the Metro Plan, the adopted refinement plan, other relevant factors. In addition, it was agreed that CUP and PUD provisions, the telecommunications standards and a landscaping condition should be relied upon, in finding compliance with Policy E.4. It was also noted that "enhanced cell service" should be considered as a factor show how the policy is met in this instance. Task 2 was to determine whether it is "possible" for the applicant to produce a noise study for the underground equipment, showing the facility will meet the City's noise standards. The Planning Commission agreed that based on the noise study provided by the applicant, it was possible to produce such a study.

Following deliberations, the Planning Commission directed staff to provide supplemental findings in a draft Final Order, for consideration and final action at the March 4, 2013 deliberations.

NEXT STEPS

Staff recommends that the Planning Commission take final action to approve the attached, *draft* Final Order. Due to statutory time limitations, the Planning Commission will need to take final action at this meeting, in order to meet the deadline of March 12, 2013.

ATTACHMENTS

A *draft* Final Order is attached for reference, to help facilitate further deliberation and final action by the Planning Commission in this matter. The entire record of materials for the subject applications has been provided to the Planning Commission under separate cover. The record of materials will also be made available for review at the Planning Commission deliberation meetings on this matter.

FOR MORE INFORMATION:

Please contact Steve Ochs, Eugene Planning Division, by phone at (541) 682-5453, or by e-mail at steve.p.ochs@ci.eugene.or.us



**FINAL ORDER OF THE EUGENE PLANNING COMMISSION:
SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW
ADDRESSING ISSUES REMANDED BY THE LAND USE BOARD OF APPEALS
(AT&T Mobility Cell Tower – Oakway Golf Course PDT 10-2 & CU 11-1)**

I. INTRODUCTION

This matter concerns the Planning Commission’s consideration on remand of the application (“Application”) for a Tentative Planned Unit Development and Conditional Use Permit filed by AT&T Mobility to allow construction of a 75-foot telecommunications tower on the Oakway Golf Course.

In *Northgreen Properties, LLC v. City of Eugene* and *New Cingular Wireless PCS, LLC, ___ Or LUBA ___* (LUBA Nos. 2011-099, March 5, 2012), the Land Use Board of Appeals (“LUBA”) remanded the Planning Commission’s 2011 decision to approve the concurrent applications for the following reasons:

- (1) The Planning Commission failed to properly consider Metro Plan Policy E.4 as an “applicable” policy with “fairly specific and mandatory direction...”**
- (2) In order to condition the approval of a later noise study showing the facility will meet the City’s noise standard, the Planning Commission must make a determination that it is feasible or possible to produce such a study.**

LUBA denied all other assignments of error raised against the Planning Commission’s decision. On November 28, 2013 the applicant submitted a letter requesting that the City begin remand proceedings which starts a state mandated 90-day timeframe and thus requires the City to respond to the remand no later than February 26, 2013. Due to the limited scope of the two appeal issues on remand, no public hearing was set, but the record was re-opened to allow written testimony and evidence on these two specific issues. Deliberations were initially set for February 11, 2013, but were postponed to February 25, 2013 and March 4, 2013. The applicant provided a 14-day extension to the 90 day timeframe to allow for this change which requires the City to respond to the remand no later than March 12, 2013. Prior to deliberations, Commissioner Jaworski recused himself from participating as he had been involved in opposing the application during the initial proceedings, as chair of the neighborhood association at the time. A quorum of the Planning Commission was present for the deliberations and final action on the remand.

This order is supplemental to the initial Final Order of the Planning Commission dated October 4, 2011 and replaces findings in regards to the Northgreen Properties’ Eighth Assignment of Error (on page 11). It also supplements findings in regards to the Northgreen Properties’ Second Assignment of Error (on pages 4-5 of the initial Final Order). The text of these supplemental findings shall take precedence over the initial Final Order.

II. APPLICABLE CRITERIA

In this case, the applicable approval criteria involved in the remanded issues include EC 9.8090(1) and EC 9.8320(1), concerning compliance with Metro Plan Policy E.4 (referred to below as “Task 1”) and the 45 dBA noise standard for ancillary telecommunications facilities at EC 9.5750(7)(f) (referred to below as “Task 2”).

III. RECORD BEFORE THE PLANNING COMMISSION

The record before the Planning Commission consists of the written testimony presented by appellant, applicant, and other parties to the Planning Commission on remand starting November 29, 2012 through January 25, 2013. It also includes the initial record which consists of all documents before the Land Use Board of Appeals in *Northgreen Properties, LLC v. City of Eugene* and *New Cingular Wireless PCS, LLC, ___* Or LUBA ___ (LUBA Nos. 2011-099, March 5, 2012). The entire file described above was physically before the Planning Commission.

During the open record period, evidence and testimony was provided regarding the health implications of the proposed cell phone tower. The Planning Commission disregards all such evidence as the issue is beyond the scope of the remand, and under the Federal Communications Act, federal law requires that if the facility complies with the Federal Communications Commission (FCC) regulations for RF emissions, the local government cannot consider this issue further. In this case, the record and decisions below confirm that the application requirements were met with regard to FCC compliance, and that issue was not remanded by LUBA.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

On remand, after consideration of the applicable law and all argument and evidence, the Planning Commission affirms that the Application satisfies all applicable approval criteria. In the event of any conflict between the initial Final Order and these supplemental findings, the supplemental findings shall control. The Planning Commission makes the following specific findings as to each issue on remand:

Task 1: Determine whether the proposal is consistent Metro Plan Policy E.4, as an applicable approval criterion.

Metro Plan Policy E.4 (page III-E-3): “Public and private facilities shall be designed and located in a manner that preserves and enhances desirable features of local and neighborhood areas and promotes their sense of identity.”

During remand proceedings, the Planning Commission first revisited why Policy E.4 applies specifically to this proposal. Based on LUBA’s clear direction and past local precedence, the Planning Commission concludes that Policy E.4 applies to this proposed telecommunications tower because it is a “communication facility” and that term is included in the Metro Plan’s definition of “key urban services and facilities” (see Metro Plan Glossary, page V-3).

Following that determination, the Planning Commission then evaluated the proposal, and for the reasons explained below, found that it is consistent with Metro Plan Policy E.4, as an applicable approval criterion. Therefore, the Planning Commission affirms its conclusion from the initial proceedings —that the Application satisfies EC 9.8090(1) and EC 9.8320(1)—albeit based upon different reasoning. The Planning Commission reaches this conclusion as described in further detail below.

Metro Plan Context

LUBA found that that Policy E.4 constitutes an “applicable” Metro Plan policy that the City must separately address, because it “provides fairly specific and mandatory direction that public facilities such as the telecommunications tower ‘be designed and located’ to ‘preserve and enhance’ desirable features of the area.”

The proper application of general Metro Plan policies to individual development applications requires careful evaluation of whether and how a particular policy applies and what it means in the context of a particular neighborhood area. It also requires that we look to the context provided by the local regulatory framework of the Metro Plan, refinement plans (in this case the Willakenzie Area Plan), and the Eugene Code regulations intended to implement those adopted land use plans. Interpreting the Metro Plan requires weighing the various components so the plans can be applied in a practical manner to a variety of proposals.

The Metro Plan Introduction includes a section called the “Use of the Metro Plan” (page I-5). This section notes that a “...A policy is a statement adopted as part of the Metro Plan to provide a consistent course of action, moving the community toward attainment of its goals...The revised goals, objectives, and policies contained in this Metro Plan are not presented in any particular order of importance. The respective jurisdictions recognize that there are apparent conflicts and inconsistencies between and among some goals and policies. When making decisions based on the Metro Plan, **not all of the goals and policies can be met to the same degree in every instance. Use of the Metro Plan requires a balancing of its various components on a case-by-case basis**, as well as a selection of those goals, objectives, and policies most pertinent to the issue at hand.”

The Planning Commission finds that while Policy E.4 is the policy subject to additional consideration on remand, given the direction found in the Metro Plan, Policy E.4 should be interpreted in context with other requirements such as Policy G.1 (Public Facilities and Services Element) to extend key urban services and facilities in an orderly and efficient manner. It should not be used in isolation or at the expense of other relevant adopted plan provisions and policies (i.e. Policy G.1), or more detailed code provisions for example, that direct the provision of adequate urban infrastructure. Policy G.1 and its implementing provisions in the land use code are a key aspect of the City’s growth management objectives and promoting compact urban development as described in the Metro Plan.

In making an independent application of Policy E.4, when interpreted in the context of the Metro Plan, the policy should be applied in general enough terms to apply to all “key urban services and facilities” which include a variety of public and private facilities.

Refinement Plan Context

The Metro Plan introduction also notes that *“The Metro Plan is the basic guiding land use policy document, but it is not the only such document. As indicated in the Purpose section, above, the Metro Plan is a framework plan, and it is important that it be supplemented by more detailed refinement plans, programs, and policies”* (see Metro Plan, page I-6).

The Planning Commission finds that the Willakenzie Area Plan (WAP) and additional factors should also be used as context to help interpret the meaning and applicability of Metro Plan Policy E.4. As a refinement of the Metro Plan, the WAP is intended to provide direction for land use decisions in the Willakenzie area and to serve as a basis for evaluating private development proposals.

In this case, the WAP is the applicable refinement plan. The golf course is designated as Parks and Open Space and is located in the Cal Young subarea (consistent with the Metro Plan designation). One of the listed goals in the WAP is to “Provide for the protection and enhancement of land designated park and open space in the Metro Plan and Refinement plan...” It also includes goals to ensure new development is in scale and harmony with existing neighborhood character and is compatible with residential uses and natural values. The WAP does not specifically address telecommunications facilities, but can be used for context in determining how to apply Policy E.4 as it relates to areas of particular importance in the neighborhood.

The “Neighborhood Design Element” of the WAP (see WAP, pages 136-152) more specifically describes the environmental character, identity, and visual qualities in the area. This section of the WAP provides the most directly related context for how to interpret Policy E.4 of the Metro Plan, beyond the findings and conditions (e.g. requirements for landscaping and perimeter trees) already applied to the proposal under the PUD/CUP criteria for compatibility and screening purposes. The stated purpose of the “Neighborhood Design Element” of the WAP is to:

- Preserve the character of the existing neighborhood;
- Improve the appearance of commercial and industrial development;
- Establish and enhance identifiable features in the neighborhood.

The element describes the particular importance of (and includes policies and proposed actions for): Entrance Corridors; Neighborhood Gateways; Commercial Area Design; Willamette Greenway; Natural Resource Protection; Historic Preservation; and Gillespie Butte Site Development Standards. The golf course is shown on several maps in this element but is not identified as an entrance corridor, neighborhood gateway or specifically addressed in the element. The proposal does not negatively impact any of the areas described above as being of significant importance. This language provides further clarification of the important elements of what defines this neighborhood’s sense of identity. In that way, the neighborhood refinement plan helps to further define the proper application of the more general Policy E.4 in the Metro Plan.

The “Neighborhood Design Element” approaches the preservation and enhancement of these features by recommending landscaping along roads as a means to beautify right of way, incorporation of trees and landscaping in areas considered neighborhood gateways. Additionally, it includes siting and

landscaping requirements for commercial development which also address landscape screening recommendations for utilities and parking areas.

Evidence was provided during the remand proceedings from both parties to identify the existing neighborhood character in regards to applying Policy E.4. Opponents of the tower characterized the area as a quiet residential neighborhood surrounding a golf course, while the applicant points to the commercial uses on the golf course and existing neighborhood features such as utility poles and ball field lights as part of the neighborhood character.

The Planning Commission finds that all of these characteristics help to define the neighborhood, but that the open space provided by the golf course is an overarching, character-defining element of the area. Protection of designated open space areas is a defined goal in the WAP. If the golf course (as open space) is given similar consideration as to Entrance Corridors, Neighborhood Gateways and Commercial development, additional landscaping on and around the golf course is a treatment that can be used to help “establish and enhance” the open space as a desirable feature of the neighborhood. The WAP therefore provides context that landscaping can be used to protect and enhance areas important to the neighborhood from a visual perspective.

Telecommunications Standards

LUBA noted that the provisions initially cited by the City did not appear to fully implement Policy E.4. On remand, the Planning Commission notes that in addition to the PUD and CUP standards cited in the initial decision(s), the City’s Telecommunications Standards at EC 9.5750 are key component implementing the Metro Plan and refinement plan (and the Federal Telecommunications Act), while balancing the protection of neighborhood views and livability with the need to provide a key urban service. The stated purpose of the telecommunications standards are to ensure that telecommunication facilities are located, installed, maintained and removed in a manner that:

- Minimizes the number of transmission towers throughout the community;
- Encourages the collocation of telecommunication facilities;
- Encourages the use of existing buildings, light or utility poles or water towers as opposed to construction of new telecommunication towers;
- Recognizes the need of telecommunication providers to build out their systems over time; and
- Ensures that all telecommunication facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community, and minimize public inconvenience and disruption.

The City’s Telecommunications Standards at EC 9.5750 address a broad range of concerns related to provision of telecommunications service such as requiring viewshed protection (including protections of views of buttes), height limitations, setback minimums, buffering requirements and color requirements. These standards were met by the application and help to balance the need to protect views and livability of the neighborhood with the need to provide a key urban service.

PUD and CUP Requirements

In the initial decision, the Planning Commission relied solely on reference to CUP and PUD criteria as the implementing provisions of Policy E.4. LUBA concluded that the cited provisions did not appear to fully

implement the policy. The Planning Commission finds that the PUD and CUP provisions still have value in at least implementing a part of the policy and also find that an extensive landscaping condition that was included in response to one of the PUD criteria also helps implement Policy E.4 when applied separately to this proposal in the context of the regulatory framework. Acknowledging that the PUD and CUP may not fully implement or address the requirements of Policy E.4, these approval criteria nonetheless ensured that subjective issues such as screening, natural resource issues and compatibility were addressed above and beyond the more basic telecommunications standards.

In response to the PUD standards for screening at EC 9.8320(3), the Planning Commission imposed a condition of approval that requires the applicant to hire a landscape architect to work with 47 adjoining properties that may have a view of the telecommunications tower, to design screening that meets the owner's needs. The condition will result in the planting of approximately 100 new trees if adjoining property owners want the screening (the full text of the condition and a related map are included as part of the initial Final Order of the Planning Commission, dated October 4, 2011). The Planning Commission relied on this condition to ensure sufficient screening, and now, also more specifically as a means to implementing the intent of Policy E.4. Implementation of this condition, in addition to those factors described above, provides further evidence of compliance with Policy E.4.

Application of Metro Plan Policy E.4

Based on the findings and context above, Policy E.4 now can be interpreted expressly in three basic elements:

Is a cell tower a “public or private facility” subject to inclusion under Policy E.4.? As described above, the Planning Commission finds that the cell tower is a private telecommunication facility that should be considered under the Metro Plan definition of key urban series or facility. Therefore, Policy E.4 applies.

What is meant by “designed and located in a manner that preserves and enhances desirable features of local and neighborhood areas”? Given the broad range in the types of facilities covered by Policy E.4, the quoted clause cannot mean that every new facility must be designed and located in a manner that both preserves and enhances every desirable feature of the neighborhood. This is especially true because there are other provisions in the Metro Plan and WAP that require attention to competing concerns. In this case, the proposed facility “preserves” the desirable features of the neighborhood by meeting both the objective telecommunications standards and subjective PUD and CUP standards. In addition, the proposal incorporates a landscaping condition designed to shield it from view and make up for any visual impact (none of which is to the features that the WAP considers significant such as the Greenway, Gillespie Butte, etc.). As a telecommunications facility, it enhances the one neighborhood feature it is designed to address, communication.

What is meant by “promote their sense of identity”? Given the broad range in the types of facilities covered by Policy E-4, the quoted clause cannot mean that every new facility must “promote the sense of identity” of every desirable feature of the neighborhood. The application of the policy must be done in the context of other Metro Plan provisions. The WAP lists the features considered significant and the tower has no negative affect on those. To the extent the

desirable feature of this area is the open space of the golf course, height standards and extensive landscape buffering will ensure it is not so prominent as to have some other effect on the neighborhood identity.

For the reasons set forth above, the Planning Commission affirms its prior approval on remand, with additional findings of compliance concerning Policy E.4, under the PUD and CUP approval criteria at EC 9.8090(1) and EC 9.8320(1).

Task 2: Determine whether it is “possible” for the applicant to produce a noise study for the underground equipment, showing the facility will meet the City’s noise standards.

In the initial local proceedings, the Hearings Official and Planning Commission denied a variance request by the applicant to locate the ancillary facilities above ground (which will require the facilities to be placed underground). A condition of approval was also imposed, requiring the applicant to produce a new study for the underground facilities that complied with the City noise standards. This noise study would be reviewed for compliance with noise standards at the time of Final PUD application, which occurs following a tentative PUD approval.

LUBA found that in order for the City to postpone a determination of compliance with an applicable criterion to future proceedings (in this case the Final PUD process), the City must first determine based on evidence in the record, that compliance with the approval criterion is possible. LUBA noted that while it seemed like a common sense presumption that placing equipment underground is likely to reduce noise impacts, there was no evidence to support the City’s conclusion. LUBA noted that the remand will provide the opportunity for parties to submit evidence regarding the validity of the Hearings Official’s presumption that such a noise study would almost certainly resolve the issue.

The Planning Commission finds that the task in this case is not to analyze the noise study for compliance with applicable noise standards during this remand, but rather to determine that is “possible” for the applicant to demonstrate compliance during the future Final PUD process. Based on the previous condition of approval in this application, compliance with the noise standard will be reviewed at the time of the Final PUD application process.

In these remand proceedings, AT&T provided two noise reports prepared by a Professional Engineer from SSA Acoustics, LLP that addresses the equipment sound levels and includes several noise mitigation measures that could be implemented on the site to comply with the noise standard (see SSA Acoustical Reports dated November 29, 2012 and January 11, 2013). Additionally, the applicant addressed the opposing reports in the final rebuttal dated January 25, 2013.

Arthur Noxon, Acoustical Engineer, provided letters responding to both of the applicant’s noise reports (see letters dated December 29, 2012 and January 18, 2013). Mr. Noxon’s letters assert several problems with the applicant’s noise analysis and proposed noise mitigation. His letters conclude that there is no evidence in the record that it is possible that the sound standard can be met.

Since the applicant has produced and submitted a noise study stamped by a licensed professional who addresses the noise standard, and also provides that additional mitigation could be implemented to

further reduce noise levels and thereby ensure the applicable standard will be met, the Planning Commission finds that it is “possible” to produce a noise study that will comply with the City’s noise standards in the future. While Mr. Noxon’s testimony asserts there are issues with the existing study provided, the Planning Commission finds that there is no reason to believe that the applicant would not be able to address the issues Mr. Noxon raises during the future Final PUD process, if they are found to be valid. The noise study will be substantively reviewed for compliance with the noise standard during a future Final PUD process; conditions of approval could also be applied at that time to require any mitigation needed to ensure compliance.

For the reasons set forth above, the Planning Commission affirms its prior approval on remand, with additional findings of compliance concerning the noise standard at EC 9.5750(7)(f).

V. FINAL CONCLUSION

For the foregoing reasons, and based upon the identified evidence and argument in the record, the Planning Commission finds that the Application satisfies the limited criteria at issue on remand.

Therefore, the Planning Commission denies the assignments of error, and affirms the Hearings Official’s conclusion to approve the Tentative Planned Unit Development and Conditional Use Permit (PDT 10-2 and CU 11-1), subject to the conditions identified in the Planning Commission’s Final Order dated October 4, 2011.

Randall S. Hledik, Chair
Eugene Planning Commission

Date

AGENDA ITEM SUMMARY
March 4, 2013

To: Eugene Planning Commission

From: Gabe Flock, Senior Planner

Subject: Deliberations and Action on EWEB's "Downtown Riverfront" Land Use Applications

ACTION REQUESTED:

To deliberate and take action on the Planning Commission's recommendation to City Council regarding adoption of EWEB's land use application package, as proposed to implement the EWEB Riverfront Master Plan.

BRIEFING STATEMENT:

At the last deliberations meeting on February 19, 2013 we discussed a variety of issues and concerns raised by commissioners and in testimony following the public hearing. These topic areas included compliance with Statewide Planning Goals (5 and 15) related to protections along the Willamette River, building height restrictions in the Skinner Butte area, street standards, interim parking, common open space, native planting requirements in the proposed riverfront park, and the proposed design review process. Following that discussion, a majority of commissioners indicated support for moving forward on a positive recommendation to adopt EWEB's land use application package.

While no specific recommended changes were decided upon at the last meeting, staff heard there were several potential areas that may warrant a more detailed review, before final action is taken. To help facilitate the discussion, staff will provide a written summary at the meeting, to follow-up on those substantive issues (e.g Willamette Greenway setback, common open space, interim parking areas), and provide suggestions for how the Planning Commission might address those concerns.

To the extent possible, staff will also provide a summary and response to the additional input we've received since the last meeting, from Commissioners Baker and Jaworski. These topic areas will include standards for minimum building height, vehicular and bicycle parking, minimum and maximum setbacks, sidewalk width, window transparency, and flexibility afforded under the standards through design review. Staff suggests that we walk through each of the substantive items at the next meeting to help finalize the Planning Commission's recommendation to City Council; otherwise, several of the suggested edits and corrections are relatively minor and can readily be made, unless there are specific concerns with any of those proposed changes.

As a reminder, the land use application package proposed by EWEB is subject to quasi-judicial procedures and includes the following components (briefly summarized below):

Metro Plan Amendment (MA 12-1): amends the Metro Plan diagram to reflect the master plan vision for mixed-use redevelopment; changes land use designation from primarily heavy industrial to mixed use.

Refinement Plan Adoption & Related Amendments (RA 12-1): adopts the EWEB Downtown Riverfront Specific Area Plan; also amends the Downtown Plan and Riverfront Park Study to remove obsolete sections and ensure consistency.

Code Amendments (CA 12-4): amends the Eugene Code to establish a new Downtown Riverfront Special Area Zone including form-based standards for future redevelopment; also includes related code amendments to integrate the new zoning with existing code sections.

Zone Change (Z 12-6): rezones the site from primarily industrial and public land zones to the new Downtown Riverfront Special Area Zone.

Willamette Greenway Permit (WG 12-4): approves a Willamette Greenway Permit for future development that is consistent with the new plan and zone.

As we've discussed, these land use applications proposed to implement the EWEB Riverfront Master Plan will ultimately come before the City Council for adoption. To assist in this process, your primary role in making a recommendation to Council is to review these implementing tools, to ensure the conceptual master plan's vision can be carried out through the proposed land use regulations.

Following your recommendation, the request will be heard before the Council in a second public hearing process, where the record will be re-opened to consider your recommendation and accept any new evidence and testimony before a final decision is made.

ATTACHMENTS:

The full record of materials has been provided separately, and is posted on the City's website at: <http://www.eugene-or.gov/index.aspx?NID=2358>. The index provides a hyper-linked, paginated list of all the record materials received to date, for convenient access.

FOR MORE INFORMATION:

Please contact Gabe Flock, Senior Planner, at (541) 682-5697, or gabriel.flock@ci.eugene.or.us.